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RUEHCV/AMEMBASSY CARACAS 0462
RUEHPE/AMEMBASSY LIMA 0488
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SUBJECT: LAW OF EQUALITY AND OPPORTUNITY UNLIKELY THIS TERM

REF: REF A: BOGOTA 1891; REF B: BOGOTA 3296

SUMMARY

1. (SBU) The bill of Equality and Opportunity for Afro-Colombians will most likely not pass this legislative term. Members from the Afro-Colombian Caucus told us that due to the pre-electoral campaign season passing any piece of legislation was difficult. Moreover, the Vice President's Office told us if the law was not presented by October 15 there would not be enough time to pass it in one legislative term, which is required for this type of law. Without this legislation, there is no legally binding document that implements the recommendations established by the Intersectoral Commission for the Advancement of Afro-Colombians in May 2009. There is some headway being made on the design of an Executive Order (CONPES), but it is unclear whether this document will have any impact. END SUMMARY.

Background on the Law of Equality and Opportunity

2. (U) The GOC designed the Law of Equality and Opportunity to implement the recommendations of the Intersectoral Commission for the Advancement of Afro-Colombians, Raizales, and Palenqueros, published in May 2009(ref. A). The bill was supposed to be drafted by July 20 by the Office of Ethnic Affairs in the Ministry of Interior and Justice (MOIJ) in coordination with the Office of the Vice President, but tensions between these two offices caused delays. The law is one of two mechanisms the commission suggested for implementing their recommendations (the other was an Executive Order or CONPES).

"Law of Equality and Opportunity is Dead"

3. (SBU) In a meeting on October 21, Afro-Colombian Caucus member Hemel Hurtado Angulo (Valle del Cauca) told the Deputy Chief of Mission (DCM) the "Law of Equality and Opportunity is dead for now." He explained that Caucus members are more focused on re-election. On October 9, in a meeting between Congressman Meeks,

the DCM, the USAID Director, and Afro-Colombian Caucus members, Representative Franklin Legro also noted the pre-electoral campaign season was making it difficult to get any bill passed through Congress (ref. B).

¶4. (SBU) On August 10, Alexandra Parra from the Vice President's Office told Poloff that if the law was not introduced by October 15 at the latest, it would not pass the necessary four Congressional debates in one legislative term. (Note: Since the law plans to make "ethnic identity" a fundamental right it is considered to be a "statutory" law and required to be passed in one legislative term. End Note.)

HEADWAY ON DESIGNS OF CONPES, BUT UNCLEAR OF IMPACT

¶5. (U) Some headway has been made on the design of an Executive Order (CONPES), but this instrument does not carry the same weight as a law. Four CONPES already exist on Afro-Colombian issues, including one establishing affirmative action policies, but many of them are not implemented in practice. Still, on September 28 and 29, 30 government officials led by the Department of National

Planning (DNP) met to discuss the design of the CONPES. (Note: In Colombia, a CONPES is drafted by the DNP and approved by pertinent Ministers and the President. End Note.) According to Parra, from the Vice President's Office, the final draft is expected by December and the CONPES should be signed in January 2010.

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